

NOTICE PUBLICATION/REGULATORY ACTION SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 01-2013)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-2014-0421-01	REGULATORY ACTION NUMBER 2014-1230-015R	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	

2015 FEB 12 AM 11:18

OFFICE OF
ADMINISTRATIVE LAW

ENDORSED - FILED

in the office of the Secretary of State
of the State of California

FEB 12 2015

2:54 PM

AGENCY WITH RULEMAKING AUTHORITY
Department of Transportation, Division of Right of Way and Land Surveys

AGENCY FILE NUMBER (if any)

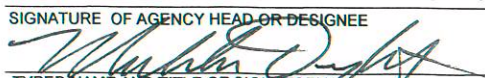
A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	FAX NUMBER (Optional)
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 2014, 182	PUBLICATION DATE 5/2/2014

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Determination of Excess Real Property		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S) 2014-0821-03 S	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)		ADOPT 1469, 1470, 1471	
TITLE(S) 21		AMEND	
		REPEAL	
3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input checked="" type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Gov. Code §§11346.2-11347.3 either before the emergency regulation was adopted or within the time period required by statute. <input type="checkbox"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)	
		<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____	
		<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only	
4. ALL BEGINNING AND ENDING DATES OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §44 and Gov. Code §11347.1) 1/28/15 - 2/11/15			
5. EFFECTIVE DATE OF CHANGES (Gov. Code, §§ 11343.4, 11346.1(d); Cal. Code Regs., title 1, §100) <input type="checkbox"/> Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a)) <input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> §100 Changes Without Regulatory Effect <input type="checkbox"/> Effective other (Specify) _____			
6. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY <input type="checkbox"/> Department of Finance (Form STD. 399) (SAM §6660) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify) _____			
7. CONTACT PERSON Michael J. Rodrigues		TELEPHONE NUMBER (916) 654-3536	FAX NUMBER (Optional) (916) 654-6378
		E-MAIL ADDRESS (Optional) michael.rodrigues@dot.ca.gov	

8. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE 1/28/15
TYPED NAME AND TITLE OF SIGNATORY Malcolm Dougherty, Caltrans Director	

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ENDORSED APPROVED

FEB 12 2015

Office of Administrative Law

TITLE 21 PUBLIC WORKS
DIVISION 2. DEPARTMENT OF TRANSPORTATION
CHAPTER 9. ARTICLE 1. EXCESS REAL PROPERTY

§ 1469 Purpose and Scope

The Department of Transportation is required, to the greatest extent possible, to offer to sell or exchange excess real property within one year from the date the real property is determined to be excess. The regulations set forth herein identify the procedures the Department uses to determine real property to be excess.

Authority cited: Streets and Highways Code, Section 118.6

Reference cited: Streets and Highways Code, Section 118.6

§ 1470 Definition of Terms

“Excess land” is synonymous with and has the same meaning of “excess real property” as defined in Streets and Highways Code section 118.6.

“Potential excess real property” means land and improvements situated outside of calculated highway right-of-way lines that may not be needed or used for a state highway purpose.

“Functional Units” include, but are not limited to, those organizational units within the Department that have primary responsibility for the following activities: Right of Way and Land Surveys, Environmental, Planning, Design, Program Project Management, Construction, and Maintenance.

Authority cited: Streets and Highways Code, Section 118.6

Reference cited: Streets and Highways Code, Section 118.6

§ 1471 Excess Land Determination

The Department will initiate a comprehensive review of all potential excess real property at least annually to determine which properties may no longer be needed for State highway purposes. Potential excess real property cleared by the Department’s functional units and approved by the District Director, who has oversight of the subject property, is considered excess land. The Districts will report annually to Headquarters Right of Way all results of the comprehensive review.

Authority Cited: Streets and Highways Code, Section 118.6

Reference Cited: California Government Code, Section 11011.18